

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CECIL JEROME HATCHETT,

Petitioner,

v.

KEN CLARK,

Respondent.

Case No. 2:20-cv-00892-KJM-JDP (HC)

FINDINGS AND RECOMMENDATIONS  
THAT RESPONDENT'S MOTION TO  
DISMISS BE GRANTED AND THE  
AMENDED PETITION BE DISMISSED  
WITH LEAVE TO AMEND WITHIN SIXTY  
DAYS

ECF No. 22

Petitioner Cecil Jerome Hatchett, a state prisoner proceeding without counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 14. Respondent has filed a motion to dismiss that argues that the petition is deficient because it was not filed on a court-approved form and is unintelligible.<sup>1</sup> ECF No. 22 at 2. In his opposition, petitioner states that he attempted to file his petition on a court-approved form, but his claims arrived “detached” from the form. ECF No. 25 at 1-2. He argues that he should be allowed to correct this problem and to submit his claims on the correct form. *Id.* at 2. Respondent concurs. ECF No. 26. Accordingly, I RECOMMEND that:

1. Respondent's motion to dismiss, ECF No. 22, be granted;

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<sup>1</sup> Respondent acknowledges that petitioner is raising a *Miranda* claim, but cannot discern the specifics. ECF No. 22 at 2.

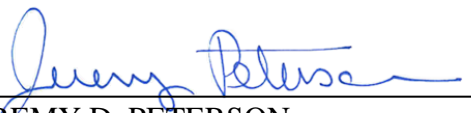
2. The amended petition, ECF No. 14, be dismissed with leave to amend within sixty days; and

3. The Clerk of Court be directed to send petitioner a federal habeas form.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: April 7, 2021

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE